IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Crl.Rev.Pet.No. 281 of 1999()

CRA.71/1994 of ADDL.SESSIONS COURT, KOTTAYAM
ST.882/1988 of JUDL.MAGISTRATE OF FIRST CLASS, ETTUMANUR
.....

REVN. PETITIONER: APPELLANT- ACCUSED NO. 1

RABIN CHERIAN, S/O.JOSEPH CHERIAN,
VETTOOR HOUSE, ETTUMANOOR, KOTTAYAM

BY ADV. SRI.M.N.SUKUMARAN NAIR (SR)

RESPONDENTS: COMPLAINANT& STATE
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1. **THE EXCISE INSPECTOR, ETTUMANOOR**
   RANGE, KOTTAYAM DISTRICT.

2. **STATE OF KERALA, REP.BY**
   THE PUBLIC PROSECUTOR, HIGH COURT
   OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.281/1999

ORDER ON CRL.MP. 1153/1999 IN CRL.RP. NO.281/1999

DISMISSED

20.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

K.R.UDAYABHANU, J

Crl.R.P.No.281 of 1999

Dated this the 20th day of July, 2007

O R D E R

The revision petitioner is the first accused in ST No.882/88 in the court of Judicial First Class Magistrate, Ettumanoor, who stands convicted for the offence under Section 55a and h, 57A3 and 58 of the Abkari Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.2,000/- and in default, to undergo simple imprisonment for two months for the offence under Section 55 a and h and to undergo simple imprisonment for one year and to pay a fine of Rs.2,000/- and in default, to undergo simple imprisonment for two months for the offence under Section 57A(3) and to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for one month for the offence under Section 58 of the Abkari Act.

2. The prosecution case is that on 5.10.1988 the first accused was found in possession of adulterated spirit with fabricated labels.

3. Counsel for the revision petitioner has only prayed for modification of the sentence and sought for leniency pointing out that about 19 years have elapsed since the commencement of the proceedings. The second accused has been acquitted by the appellate court. It is also stated that the accused is sickly.

4. In the circumstances and considering the long delay, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- for the above offences under the 3 counts i.e., altogether Rs.15,000/-, and in default, to undergo simple imprisonment for six months. He shall appear before the JFCM, Ettumanoor on 24.8.2007 to receive sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl